

SDNY (Rev. 10/2006) Pro Hac Vice Motion to Admit Counsel

**UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK**

THE BANK OF NEW YORK TRUST
COMPANY, N.A., as Trustee,

Plaintiff,

1:07-cv-08255-PKC

v.

FIRST MAGNUS CAPITAL, INC., THOMAS W.
SULLIVAN, SR., as Trustee of the THOMAS W.
SULLIVAN REVOCABLE TRUST,

Defendant.

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Matthew R.K. Waterman, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Christopher H. Bayley
Firm Name: Snell & Wilmer L.L.P.
Address: One Arizona Center
City/State/Zip: Phoenix, AZ 85004-2202
Phone Number: (602) 382-6214
Fax Number: (602) 382-6070

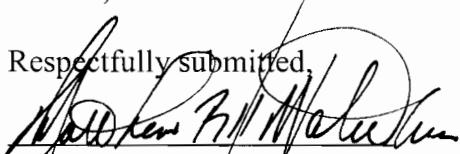
Christopher H. Bayley is a member in good standing of the Bar of the State of Arizona.

There are no pending disciplinary proceedings against Christopher H. Bayley in any State or Federal Court.

I have conferred with all other parties and advise the Court that their consent to this pro hac vice admission has been obtained.

Dated: October 22, 2007
City, State: Tucson, AZ

Respectfully submitted,


Matthew R.K. Waterman

SDNY Bar Code: 2300341

Firm Name: Snell & Wilmer L.L.P.
Address: One S. Church Ave., Ste. 1500
City/State/Zip: Tucson, AZ 85701-1630
Phone Number: 520-882-1228
Fax Number: 520-884-1294

SDNY (Rev. 10/2006) Pro Hac Vice Affidavit

**UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK**

THE BANK OF NEW YORK TRUST
COMPANY, N.A., as Trustee,

Plaintiff,

v.

FIRST MAGNUS CAPITAL, INC., THOMAS
W. SULLIVAN, SR., as Trustee of the
THOMAS W. SULLIVAN REVOCABLE
TRUST,

Defendant.

1:07-cv-08255-PKC

AFFIDAVIT OF
MATTHEW R.K. WATERMAN
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE

State of New York)
)
) SS:
County of New York)

Matthew R.K. Waterman, being duly sworn, hereby deposes and says as follows:

1. I am Of Counsel at Snell & Wilmer L.L.P., counsel for Defendant First Magnus Capital, Inc. ("FMC") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant FMC's motion to admit CHRISTOPHER H. BAYLEY as counsel pro vice to represent Defendant FMC in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in October 1989. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known CHRISTOPHER H. BAYLEY since 1992.
4. MR. BAYLEY is a partner at Snell & Wilmer L.L.P., in Phoenix, Arizona.
5. I have found MR. BAYLEY to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of CHRISTOPHER H. BAYLEY, pro hac vice.
7. I respectfully submit a proposed order granting the admission of CHRISTOPHER H. BAYLEY, pro hac vice, which is attached hereto as Exhibit A.

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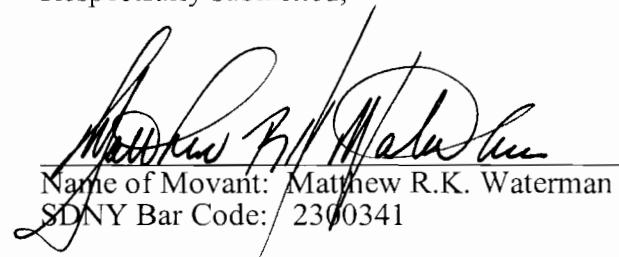
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WHEREFORE, it is respectfully requested that the motion to admit CHRISTOPHER H. BAYLEY, pro hac vice, to represent Defendant FMC in the above captioned matter, be granted.

Dated: October 22, 2007

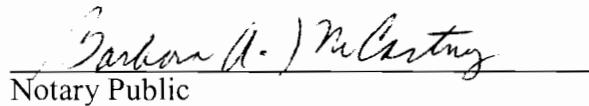
Respectfully submitted,

City, State: Tucson, AZ

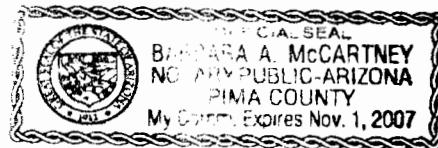

Name of Movant: Matthew R.K. Waterman
SDNY Bar Code: 2300341

State of Arizona)
)
County of Pima) ss.
)

SUBSCRIBED AND SWORN to before me this 22nd day of October, 2007, by Matthew R.K. Waterman.


Barbara A. McCartney
Notary Public

11-01-2007
Notary Expiration



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Bank of New York Trust
Company, N.A., as Trustee

Plaintiff,

- against -
First Magnus Capital, Inc., Thomas
W. Sullivan, Sr., as Trustee

Defendant.

7 cv 08255 (PKC)

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Matthew R.K. Waterman attorney for First Magnus Capital, Inc.
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Christopher H. Bayley
Firm Name: Snell & Wilmer L.L.P.
Address: One Arizona Center, Phoenix, AZ 85004-2202
City/State/Zip: Phoenix, AZ 85004-2202
Telephone/Fax: 602-382-6214 / 602-382-6070
Email Address: cbayley@swlaw.com

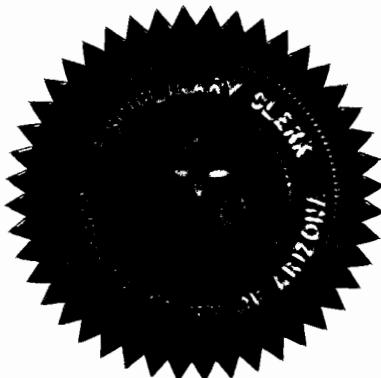
is admitted to practice pro hac vice as counsel for First Magnus Capital, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **CHRISTOPHER HOWARD BAYLEY** was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on October 25, 1986, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 16th day of October, 2007.

Nancy Swetnam
Acting Disciplinary Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK TRUST
COMPANY, N.A., as Trustee

Case No. 1:07-cv-08255(PKC)

Plaintiff,

v.

FIRST MAGNUS CAPITAL, INC.,
THOMAS W. SULLIVAN, SR., as Trustee
of the THOMAS W. SULLIVAN
REVOCABLE TRUST,

Defendants.

PROOF OF SERVICE

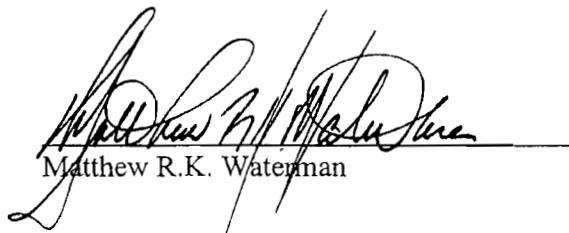
Matthew R.K. Waterman, under penalty of perjury, hereby certifies that:

1. I am over 18 years of age, I am not a party to the above-captioned proceedings, and I am employed by Snell & Wilmer L.L.P., One S. Church Ave., Ste. 1500, Tucson, Arizona 85701-1630.

2. On October 22, 2007, I caused to be served a true and correct copy of the "Motion to Admit Counsel Pro Hac Vice" (re Christopher H. Bayley) in the above-captioned case upon the parties listed on the attached Service List by U.S. mail or electronic notification, as indicated.

3. On October 22, 2007, I caused to be served a true and correct copy of the "Motion to Admit Counsel Pro Hac Vice" (re Jonathan M. Saffer), in the above-captioned case upon the parties listed on the attached Service List by U.S. mail or electronic notification, as indicated.

Dated: Tucson, AZ
October 22, 2007


Matthew R.K. Waterman

Service List

By U.S. Mail

Thomas W. Sullivan Sr., as Trustee of the
Thomas W. Sullivan Revocable Trust
603 N. Wilmet Rd.
Tucson, AZ 85711

By Electronic Notification

Kenneth G. Roberts
Wolf, Block, Schorr and Solis-Cohen, LLP
250 Park Ave.
New York, NY 10177
Counsel for Plaintiff

KRoberts@WOLFBLOCK.com